

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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In re:	:	MDL No. 2067
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CELEXA AND LEXAPRO MARKETING	:	Master Docket No. 09–MD–2067 (NMG)
AND SALES PRACTICES LITIGATION	:	
	:	Judge Nathaniel M. Gorton
THIS DOCUMENT RELATES TO:	:	
	:	No. 14–CV–13848 (NMG)
	:	
LOCONTE ET AL.	:	
_____	:	

**DEFENDANTS’ MOTION FOR LEAVE TO FILE SHORT REPLY MEMORANDA OF
LAW IN FURTHER SUPPORT OF DEFENDANTS’ MOTION TO DISMISS THE
LOCONTE COMPLAINT AND REQUEST FOR JUDICIAL NOTICE**

Defendants Forest Laboratories, LLC (successor in interest to Forest Laboratories, Inc.) and Forest Pharmaceuticals, Inc. (collectively “Forest” or “Defendants”) hereby respectfully move the Court for leave to file a short Reply Memorandum of Law (“Motion to Dismiss Reply”) of 10 pages in further support of Defendants’ Motion to Dismiss the *LoConte* Complaint, filed on December 19, 2014 (Docket Entry (“DE”) 469), and a short Reply Memorandum of Law of 3 pages (“Judicial Notice Reply”) in further support of Defendants’ Request for Judicial Notice, filed on December 19, 2014 (DE 467) . In support of this motion, Defendants state as follows:

1. The proposed Motion to Dismiss Reply (attached hereto as Exhibit A) will assist the Court in resolving the issues raised by Defendants’ pending Motion to Dismiss the *LoConte* Complaint.

2. In particular, the Motion to Dismiss Reply is necessary to address certain allegations and legal arguments first raised in Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss the *LoConte* Complaint, filed under seal on February 20, 2015. These issues include the correct rules of accrual applicable to Plaintiffs' claims, the availability of the class action tolling doctrine established in *American Pipe & Construction Co. V. Utah*, 414 U.S. 538 (1974), and the sufficiency of Plaintiffs' allegations of injury.
3. The proposed Judicial Notice Reply (attached hereto as Exhibit B) will assist the Court in resolving the issues raised by Defendants' pending Request for Judicial Notice.
4. In particular, the Judicial Notice Reply is necessary to address certain legal arguments first raised in Plaintiffs' Memorandum of Law in Opposition to Defendants' Request for Judicial Notice, filed on February 20, 2015. These issues include the scope of Defendants' request and the propriety of considering facts of which judicial notice may be taken when assessing statute of limitations defenses on a motion to dismiss.

WHEREFORE, Defendants respectfully request that this Court grant leave to file a short Motion to Dismiss Reply of 10 pages and a short Judicial Notice Reply of 3 pages.

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), undersigned counsel states that they have conferred with counsel for Plaintiffs and attempted in good faith to resolve or narrow the issues presented in this motion. Plaintiffs have indicated that they will oppose the motion.

Dated: March 13, 2015

Respectfully submitted,

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Attorneys for Defendants Forest Laboratories, LLC and Forest Pharmaceuticals, Inc.

CERTIFICATE OF SERVICE

I, J. Robert Abraham, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those attorneys still active indicated as non-registered participants on March 13, 2015.

/s/ J. Robert Abraham

J. Robert Abraham